

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BOOST WORLDWIDE, INC.,	)	
	)	CASE NO. 4:11CV2459
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
CELEBRITY SPORTSWEAR, <i>etc.</i> ,	)	
	)	<b>ORDER</b>
Defendant.	)	[Resolving <a href="#">ECF No. 10</a> ]

This action alleging trademark infringement pursuant to [15 U.S.C. §§ 1125\(a\)](#) and [1114](#), false advertising pursuant to [15 U.S.C. § 1125](#), common law unfair competition and common law unjust enrichment is before the Court upon Plaintiff's Motion for Default Judgment ([ECF No. 10](#)) against Defendant Celebrity Sportswear f/k/a Celebrity Sportswear and School Apparel Inc., filed on February 7, 2012. The Court has reviewed the memorandum in support ([ECF No. 10-1](#)), Certifications of Marc D. Youngelson, Esq. ([ECF No. 10 at 1-2](#)) and Luis R. Vizcarrondo ([ECF No. 10-3](#)), and has read the file.

Defendant was duly served with summons and the Complaint ([ECF No. 1](#)) by personal service, *see* [ECF No. 4](#); but, it has failed to plead or otherwise defend. On January 20, 2012, the clerk entered the default of Defendant pursuant to [Fed. R. Civ. P. 55\(a\)](#). *See* [ECF No. 8](#).

Plaintiff currently has the following trademarks registered with the United States Patent and Trademark Office: registration No. 2,952,818 (the "'818 Mark"), registration No. 3,163,288 (the "'288 Mark"), registration No. 3,254,019 (the "'019 Mark"), registration No. 2,936,743 (the "'743 Mark"). The '818, '288, '019 and '743 Marks hereafter collectively are

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referred to as the “Boost Marks” or the “Marks.”

The Court finds that Defendant has infringed upon the Boost Marks, in violation of [15 U.S.C. §§ 1125\(a\)](#) and [1114](#).

Plaintiff has demonstrated (1) that it has suffered irreparable injury; (2) there is no adequate remedy at law; (3) “that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted”; and (4) it is in the public’s interest to issue the injunction. *See Microsoft Corp. v. McGee*, 490 F. Supp.2d 874, 882 (S.D. Ohio 2007) (citing *Audi AG v. D’Amato*, 469 F.3d 534, 550 (6th Cir. 2006)). Therefore, Plaintiff is entitled to a permanent injunction.

Plaintiff is also entitled to an award of its attorney fees and costs pursuant to [15 U.S.C. § 1117](#). *See ECF No. 10 at 34-39*. The Court finds that the requested attorney fees in the amount of \$3,500.00 are reasonable.

For good cause shown, Plaintiff’s Motion for Default Judgment ([ECF No. 10](#)) is granted without opposition.

Judgment will be entered in favor of Plaintiff against Defendant.

The Clerk is directed to issue a copy of this Order by regular mail to Celebrity Sportswear f/k/a Celebrity Sportswear and School Apparel Inc., 3980 Hillman Way, Youngstown, Ohio 44512.

IT IS SO ORDERED.

April 10, 2012  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge